

REMARKS/ARGUMENTS

Claims 1-17 remain pending herein.

The November 28, 2006 Office Action contains a requirement for an Election of Species.

In response, the Applicants elect species (1) a peptide as recited in claim 1 wherein Waa and Xaa are each Lys, Yaa is Arg or Arg-NH₂, and n is an integer of 1 to 9, i.e., GLP-1(7-35)-KnR, n=1-9. These peptide include production examples 10-14. It is respectfully noted that the peptides included in the elected group of peptides are based on a common character and should be examined as a single invention.

In the event that the U.S. PTO requires an election of a specific peptide, the applicants elect species (2) [Ser⁸]-GLP-1(7-35)-Lys-Lys-Lys-Lys-Lys-Arg-NH₂, i.e., the peptide in production example 12 (SEQ ID NO: 15).

Also, the November 28, 2006 Office Action states that it is necessary for the applicants to specify which claims are "readable" on the elected species. The applicants interpret the expression "readable" in this context to mean that the feature(s) recited in the claim must be present in the species. Therefore, if the species includes subject matter which falls outside the scope of a claim, that claim is not "readable" on the species, even if the species encompasses some or all of the subject matter covered in the claim (e.g., if n can be 1-9 in the species and the claim recites that n is 3-5, the applicants' interpretation is that the claim does not read on the species, because if n = 1, 2 or 6-9 in the species, the claim does not read on the species).

Based on the above understanding, the applicants note:

that claims 1, 4, 8, 13 and 16 are readable on species (1), above;

that claims 1, 2, 4, 5, 7, 8, 13, 15, 16 and 17 are readable on species (2), above;

that species (1) partially overlaps or encompasses subject matter in claims 2, 3, 5, 6, 7, 9, 10, 11 and 12; and

that species (2) partially overlaps or encompasses subject matter in claims 9, 10 and 11.

Where an elected species partially overlaps or encompasses subject matter in a claim, it cannot be said that the species and the claim are mutually exclusive, and therefore the claim should not be withdrawn from consideration.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

December 27, 2006

Date

KCB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320